

## **REMARKS/ARGUMENTS**

Applicants request cancellation of claim 43 and entry of the amendment to claim 46, which is believed to place the claims in form for allowance or in better form for appeal, and request examination and allowance of amended claim 46. Claims 41-46 and 59-64 were examined. With entry of the present amendment, claims 41-42, 44-46, and 59-64 are pending in the application, with claim 43 canceled in this amendment. Claims 41, 42, 44, 45 and 59-64 stand allowed, while claims 43 and 46 stand rejected.

With this amendment, claim 46 stands amended. The amendments to the claim 46 deletes mention of the GDNFR $\alpha$  extracellular domain, which was said by the Examiner to make the claim indefinite, and finds support, for example, in the specification and allowed claims, e.g., claims 61-64, in the sequence listings, and elsewhere in the specification and claims as originally filed. No new matter is added by way of the amendments to the claims.

Claim 43 stands rejected under 35 U.S.C. §101 for double patenting as allegedly claiming the same invention as that of Claim 2 of prior U.S. Patent No. 6,504,007.

Claims 43 and 46 stand rejected to under 35 U.S.C. §112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants respectfully traverse these objections and rejections.

### **The Rejection of Claim 43 Under 35 U.S.C. §101**

Claim 43 stands rejected under 35 U.S.C. §101 for double patenting as allegedly claiming the same invention as that of Claim 2 of prior U.S. Patent No. 6,504,007. As claim 43 stands canceled in this amendment, Applicants submit that the double patenting rejection of Claim 43 under 35 U.S.C. §101 for allegedly claiming the same invention as that of Claim 2 of prior U.S. Patent No. 6,504,007 is moot.

### **The Rejections to Claims 43 and 46 Under 35 U.S.C. § 112, second paragraph**

Claims 43 and 46 stand objected to under 35 U.S.C. § 112, second paragraph allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention. The Examiner alleged that "the 'extracellular domain sequence' is alternatively defined in the specification 'as set out as between amino acids Asp25 and Gly427', thereby making recitation of 'as set out between amino acids Asp25 and Ser468' indefinite." As amended, claim 43 stands canceled and the phrase "GDNFR $\alpha$  extracellular domain" has been deleted from claim 46, so that the alleged source of indefiniteness does not appear in the claim. Accordingly, Applicants submit the rejection of claim 43 under 35 U.S.C. § 112, second paragraph is moot, and that the rejection of claim 46 under 35 U.S.C. § 112, second paragraph is overcome.

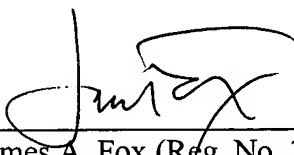
### **CONCLUSION**

For the reasons set forth above, Applicants believe that all rejections are overcome, and that the claims are in condition for allowance. The Examiner is respectfully requested to enter the amendments, to reconsider the rejections, and to allow all pending claims. Should the Examiner believe that a telephone interview would expedite the prosecution of this application, Applicants invite the Examiner to call the undersigned attorney at the telephone number indicated below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 08-1641, referencing Attorney's Docket No. 39766-0048 CP1C1).

Respectfully submitted,

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